

HOUSE BILL 645

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO TRANSFER OF LIQUOR LICENSES; PROVIDING CONDITIONS FOR THE TRANSFER OF CERTAIN LICENSES; REQUIRING RULES AND A TRANSFER FEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-6B-12 NMSA 1978 (being Laws 1981, Chapter 39, Section 113, as amended) is amended to read:

"60-6B-12. INTER-LOCAL OPTION DISTRICT TRANSFERS.--

A. ~~[All]~~ Dispenser's and retailer's licenses originally issued before July 1, 1981, except rural dispenser's and rural retailer's licenses and canopy licenses that were replaced by dispenser's licenses pursuant to Section 60-6B-16 NMSA 1978, may be transferred to any location within the state, except class ~~[B]~~ A counties having a population of between ~~[fifty-six]~~ one hundred thirteen thousand and ~~[fifty-seven]~~ one

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1 hundred fourteen thousand and class B counties having a  
2 population of between seventy-four thousand and seventy-five  
3 thousand according to the ~~[1980]~~ 2000 federal decennial census,  
4 the municipalities located within those ~~[class B]~~ counties and  
5 any municipality or county that prohibits by election the  
6 transfer of a license from another local option district,  
7 without regard to the limitations on the maximum number of  
8 licenses provided in Section 60-6A-18 NMSA 1978, not otherwise  
9 contrary to law and subject to the approval of transferring  
10 locations of ~~[such]~~ those liquor licenses ~~[of]~~ by the governing  
11 body for that location and provided ~~[all]~~ the requirements of  
12 the Liquor Control Act and department ~~[regulations]~~ rules for  
13 the transfer of licenses are fulfilled and provided further:

14 (1) except as provided in Paragraph (2) of  
15 this subsection, the transfer of location does not lower the  
16 number of dispenser's and retailer's licenses below that number  
17 allowed by law in the local option district from which a  
18 license will be transferred;

19 (2) beginning in calendar year 1997, no more  
20 than ten dispenser's or retailer's licenses shall be  
21 transferred to any local option district in any calendar year;  
22 provided that beginning July 1, 2006, five of the ten licenses  
23 described in this paragraph may be transferred not subject to  
24 the limitation in Paragraph (1) of this subsection but subject  
25 to:

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1                    (a) rules promulgated by the department  
2 to implement this section; and

3                    (b) a five-hundred-dollar (\$500)  
4 transfer fee, payable to the department;

5                    (3) the dispenser's or retailer's licenses  
6 transferred under this section shall count in the computation  
7 of the limitation of the maximum number of licenses that may be  
8 issued in the future in any local option district as provided  
9 in Section 60-6A-18 NMSA 1978 for the purpose of determining  
10 whether additional licenses may be issued in the local option  
11 district under the provisions of Subsection ~~[E]~~ H of Section  
12 60-6B-2 NMSA 1978; and

13                    (4) the dispenser's or retailer's licenses  
14 shall be operated or leased by the person who transfers the  
15 license to the local option district for at least a period of  
16 one year from the date of the approval of the transfer by the  
17 department.

18                    B. ~~[Transfers]~~ Transfer of location of ~~[each]~~ a  
19 liquor license pursuant to Subsection A of this section shall  
20 become effective upon approval of the local governing body,  
21 unless within one hundred twenty days after the effective date  
22 of the Liquor Control Act a petition requesting an election on  
23 the question of approval of statewide transfers of liquor  
24 licenses into that local option district is filed with the  
25 clerk of the local option district and the petition is signed

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1 by at least five percent of the number of registered voters of  
2 the district. The clerk of the district shall verify the  
3 petition signatures. If the petition is verified as containing  
4 the required number of signatures of registered voters, the  
5 governing body shall adopt a resolution calling an election on  
6 the question of approving or disapproving statewide transfers  
7 of liquor licenses into that district. Notice of such election  
8 shall be published as provided in Section 3-8-35 NMSA 1978, and  
9 the election shall be held within sixty days after the date the  
10 petition is verified or it may be held in conjunction with a  
11 regular election of the governing body if such election occurs  
12 within sixty days after the date of verification. If a  
13 majority of the registered voters of the district voting in  
14 such election votes to approve statewide transfers of liquor  
15 licenses into the local option district, each license proposing  
16 to be transferred shall be subject to the approval of the  
17 governing body. If the voters of the district voting in the  
18 election vote against the approval, then all statewide  
19 transfers of liquor licenses pursuant to Subsection A of this  
20 section shall be prohibited in that district, unless a petition  
21 is filed requesting the question be again submitted to the  
22 voters as provided in this subsection. The question of  
23 approving or disapproving statewide transfers of liquor  
24 licenses into the local option district shall not be submitted  
25 again within two years from the date of the last election on

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1 the question.

2 C. Any dispenser's license transferred pursuant to  
3 this section outside its local option district shall only  
4 entitle the licensee to sell, serve or permit the consumption  
5 of alcoholic beverages by the drink on the licensed premises.

6 D. Rural dispenser's, rural retailer's and rural  
7 club licenses issued under any former act may be transferred to  
8 any location, subject to the restrictions as to location  
9 contained in the Liquor Control Act, within the unincorporated  
10 area of the county in which they are currently located;  
11 provided they shall not be transferred to any location within  
12 ten miles of another licensed premises; and provided further  
13 that all requirements of the Liquor Control Act and department  
14 [~~regulations~~] rules for the transfer of licenses are  
15 fulfilled."